

**MEDICAL EXAMINING BOARD
MEETING MINUTES
December 21, 2016**

PRESENT: Mary Jo Capodice, D.O.; Michael Carton, Padmaja Doniparthi, M.D.; Rodney Erickson, M.D.; Bradley Kudick; Lee Ann Lau, M.D.; David Roelke, M.D.; Kenneth Simons, M.D.; Robert Zoeller, M.D.; Robert Zondag

EXCUSED: Carolyn Ogland Vukich, M.D.; Timothy Westlake, M.D.

STAFF: Tom Ryan, Executive Director; Kimberly Wood, Program Assistant Supervisor-Advanced; and other Department staff

CALL TO ORDER

Kenneth Simons, Chair, called the meeting to order at 8:00 a.m. A quorum of ten (10) members was confirmed.

ADOPTION OF AGENDA

MOTION: Robert Zondag moved, seconded by Bradley Kudick, to adopt the agenda as published. Motion carried unanimously.

MINUTES OF NOVEMBER 16, 2016 – REVIEW AND APPROVAL

Amendments to the Minutes:

- *Page 4 – Case Closings (Closed Session) correct the case number listed for the motion relating to 16 MED 107, in the motion language as follows: 16 MEB 080 107*

MOTION: Lee Ann Lau moved, seconded by Robert Zondag, to approve the minutes of November 16, 2016 as amended. Motion carried unanimously.

**8:00 A.M. PUBLIC HEARING: EMERGENCY RULE EMR1631 AND CLEARINGHOUSE
RULE 16-070 – MED 13 RELATING TO CONTINUING MEDICAL EDUCATION FOR
PRESCRIBING OPIOIDS**

Review and Respond to Public Comments and Legislative Reference Bureau Edits

MOTION: David Roelke moved, seconded by Lee Ann Lau, to accept all Clearinghouse comments for CR rule 16-070 relating to continuing medical education for prescribing opioids. Motion carried unanimously.

MOTION: Mary Jo Capodice moved, seconded by Robert Zoeller, to authorize the Chair to approve the Legislative Report and Draft for Clearinghouse Rule 16-070 relating to continuing medical education for prescribing opioids for submission to the Governor's Office and Legislature. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Scope and Limitations of a Physician Assistant's Practice under Med 8.07

MOTION: Lee Ann Lau moved, seconded by David Roelke, to refer the correspondence received from Morgen Johnson, M.S.N., R.N., to the Council on Physician Assistants for review and recommendation. Motion carried unanimously.

DISCUSSION AND CONSIDERATION OF COUNCIL APPOINTMENT METHODS

Review of the Proposed Medical Examining Board Application for Council Member Appointment

MOTION: Lee Ann Lau moved, seconded by Rodney Erickson, to approve the application for Council Member Appointment. Motion carried unanimously.

AMERICAN ASSOCIATION OF OSTEOPATHIC EXAMINERS (AAOE) CALL FOR NOMINATIONS

Candidacy of Dr. Mary Jo Capodice

MOTION: Robert Zondag moved, seconded by Bradley Kudick, to support the candidacy for election to the AAOE Board of Directors, of Mary Jo Capodice. Motion carried unanimously.

FEDERATION OF STATE MEDICAL BOARDS (FSMB) MATTERS

April 20-22, 2017 Annual Meeting, Public Member Scholarship Award – Board Consideration

MOTION: Lee Ann Lau moved, seconded by Robert Zoeller, to designate Bradley Kudick as the recipient of the 2017 Annual Meeting Public Member Scholarship Award and to authorize travel. Motion carried unanimously.

SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION REQUESTS, AND REPORTS

MOTION: Rodney Erickson moved, seconded by Lee Ann Lau, to authorize Kenneth Simons to attend the FSMB Special Summit meeting on Duty to Report and Sharing, Information to Protect Patients, on February 7, 2017 in Washington DC. Motion carried unanimously.

CLOSED SESSION

MOTION: Lee Ann Lau moved, seconded by Robert Zondag, to convene to Closed Session to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 448.02 (8), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Mary Jo Capodice – yes; Michael Carton – yes; Padmaja Doniparthi – yes; Rodney Erickson – yes; Bradley

Kudick – yes; Lee Ann Lau – yes; David Roelke – yes; Kenneth Simons – yes; Robert Zoeller – yes; and Robert Zondag – yes. Motion carried unanimously.

The Board convened to Closed Session at 8:44 a.m.

RECONVENE TO OPEN SESSION

MOTION: Lee Ann Lau moved, seconded by Michael Carton, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 10:17 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Robert Zoeller moved, seconded by David Roelke, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

APPEARANCE – DLSC ATTORNEY JOOST KAP AND ATTORNEY JOHN ZWIEG ON BEHALF OF PETITIONER REVIEW OF ADMINISTRATIVE WARNING WARN00000582/DLSC CASE NO. 14 MED 577

MOTION: David Roelke moved, seconded by Michael Carton, to rescind the administrative warning in the matter of DSLC Case No 14 MED 577 (A.A.). Motion carried.

MOTION: David Roelke moved, seconded by Lee Ann Lau, to close 14 MED 577 for no violation. Motion carried.

(Mary Jo Capodice recused herself and left the room for deliberation and voting in the matter concerning A.A., DLSC case number 14 MED 577.)

Complaints

14 MED 300 – D.J.H.

MOTION: Robert Zondag moved, seconded by David Roelke, to find probable cause to believe that David J. Houlihan, M.D., DLSC Case No. 14 MED 300 has committed unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat § 448.02(3)(b). Motion carried.

(Mary Jo Capodice and Rodney Erickson recused themselves and left the room for deliberation and voting in the matter concerning D.J.H., DLSC Case No. 14 MED 300.)

Administrative Warnings

15 MED 444 – A.A.M.

MOTION: Mary Jo Capodice moved, seconded by Robert Zondag, to issue an Administrative Warning in the matter of DLSC Case No. 15 MED 444 (A.A.M.). Motion carried unanimously.

16 MED 075 – B.D.E.

MOTION: David Roelke moved, seconded by Robert Zondag, to issue an Administrative Warning in the matter of DLSC Case No. 16 MED 075 (B.D.E.). Motion carried unanimously.

16 MED 279 – R.E.Y.

MOTION: David Roelke moved, seconded by Robert Zoeller, to not issue an Administrative Warning in the matter of DLSC Case No. 16 MED 279 (R.E.Y.) and to close the case for no violation. Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

15 MED 081 – Amy E. Bernards, P.A.

MOTION: Lee Ann Lau moved, seconded by Padmaja Doniparthi, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Amy E. Bernards, DLSC Case No. 15 MED 081. Motion carried unanimously.

15 MED 081 – Jennifer K. Nale, P.A.

MOTION: David Roelke moved, seconded by Bradley Kudick, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jennifer K. Nale, DLSC Case No. 15 MED 081. Motion carried unanimously.

16 MED 023 – Ann. A. Tran, M.D.

MOTION: Lee Ann Lau moved, seconded by Padmaja Doniparthi, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Ann. A. Tran, DLSC Case No. 16 MED 023. Motion carried unanimously.

Case Closings

CASE CLOSING(S)

MOTION: Michael Carton moved, seconded by Robert Zoeller, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

1. 15 MED 256 (E.A.T.) *No Violation*
2. 16 MED 077 (M.J.B.) *Prosecutorial Discretion (P7)*
3. 16 MED 318 (J.C.G.) *No Violation*

Motion carried unanimously.

REQUESTS FOR WAIVER OF 24 MONTH OF ACGME/AOA APPROVED POST GRADUATE TRAINING

Joseph Baker, D.O.

MOTION: David Roelke moved, seconded by Rodney Erickson, to grant a waiver of the 24 month of ACGME/AOA approved post-graduate training to Joseph Baker, D.O., per Wis. Stat. §448.05(2)(c). Motion carried unanimously.

MOTION: David Roelke moved, seconded by Rodney Erickson, to grant the license to practice medicine and surgery to Joseph Baker, D.O., once all requirements are met. Motion carried unanimously.

Ashish Khandelwal, M.D.

MOTION: Mary Jo Capodice moved, seconded by David Roelke, to grant a waiver of the 24 month of ACGME/AOA approved post-graduate training to Ashish Khandelwal, M.D., per Wis. Stat. §448.05(2)(c). Motion carried unanimously.

MOTION: Robert Zondag moved, seconded by Padmaja Doniparthi, to grant the license to practice medicine and surgery to Ashish Khandelwal, M.D., once all requirements are met. Motion carried unanimously.

Bulent Mamikoglu, M.D.

MOTION: Michael Carton moved, seconded by David Roelke, to grant a waiver of the 24 month of ACGME/AOA approved post-graduate training to Bulent Mamikoglu, M.D., per Wis. Stat. §448.05(2)(c). Motion carried.

MOTION: Mary Jo Capodice moved, seconded by Robert Zondag, to grant the license to practice medicine and surgery to Bulent Mamikoglu, M.D., once all requirements are met. Motion carried.

Helen Manning, M.D.

MOTION: Mary Jo Capodice moved, seconded by Lee Ann Lau, to grant a waiver of the 24 month of ACGME/AOA approved post-graduate training to Helen Manning, M.D., per Wis. Stat. §448.05(2)(c). Motion carried unanimously.

MOTION: Rodney Erickson moved, seconded by Robert Zondag, to grant the license to practice medicine and surgery to Helen Manning, M.D., once all requirements are met. Motion carried unanimously.

DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Mary Jo Capodice moved, seconded by Padmaja Doniparthi, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Padmaja Doniparthi moved, seconded by Rodney Erickson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:19 a.m.